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SECOND ADDRESS

TO THE

PEOPLE OF MARYLAND.

BY

WILLIAM H. COLLINS,

OF BALTIMORE.

BALTIMORE:
PRINTED BY JAMES YOUNG.

114 WEST BALTIMORE STREET.

1861.

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To the People of Maryland.

WILL you listen if I speak to you of LOYALTY, of LOVE OF COUNTRY? Terrible times have fallen to your lot. Whatever of manhood, of prudence, of courage, of patriotism belongs to you, now is the time to show it. The Union is in danger; your Country is near the throes of death—that Union and that Country which have been to you, for seventy years, one continued shower of blessings; to which you have been accustomed to look from your childhood as the palladium of your safety, as the object of your dearest affections. State after State has seceded from the Government, refusing obedience to its laws, and attempting to form another Government independent of that of our Union.

Under these painful circumstances it becomes you, People of Maryland, to trace out for yourselves the path to which duty, honor, loyalty and patriotism may point the way.

In Maryland, as in much the larger part of our Country, it has ever been held that, to the extent of the powers given to the General Government by the People of the States at the adoption of our Constitution, that Government became a unit, and rightfully claims from us a direct allegiance; that, to the extent of the powers so given, the People of the States, in whatever form they may choose to act, have parted forever with all the great powers given to the General Government by the Constitution; that the People of any one of the States, or the State itself whether acting by its Legislature or Convention, have no more power over questions of war or peace, of ambassadors or treaties, of coining money

or establishing post-offices, of union or disunion, than has the General Government within a State over the distribution of the estates of intestates, or the forms of wills, or the descent of real estate; that in each case the powers of the General Government and of the State Government are respectively supreme.

People of Maryland, do you wish to break up your General Government? Have you become weary of beholding the *stars* and the *stripes*, the emblems of your Nation's glory? Will you desert your Country because others have proved false to their allegiance? Is your patriotism so versatile that the long-cherished passion of your souls has suddenly perished? Are you ready to draw the sword against your Country which, heretofore, you have drawn only in her defence?

What is patriotism? From the beginning of nations, in all ages and countries, the patriot has ever been held in the highest veneration. The impulse under which he acts has ever been lauded by painters, sculptors, poets, historians, as the noblest that belongs to our nature—save and except only the sacred homage that binds us to our Father in heaven, and the mystic tie that connects us with humanity itself. Next to these, love of country is the highest and noblest feeling of which the human heart is susceptible. Higher and more sacred than the ties which bind the husband to his wife or the parent to his child, it stands forth, has stood forth, and will stand forth forever as the generous and noble passion of our souls. The more his Country is in danger, the dearer she becomes to the patriot. Are her ranks thinning? The quicker is his step to take the place of the deserter or the fallen. Is she poor? He lays of his wealth at her feet. Is his life demanded? He lays it down, has ever laid it down, and ever will lay it down freely at his country's bidding, whether the altar for the sacrifice be at Thermopylæ, or Bunker Hill, or Princeton, or Trenton, or Cowpens, or Yorktown.

Tell me not of serving our Country, or of standing by our Country as long as it is our interest to do so. The doctrine is a libel on humanity. Unselfish love for our Country, not for the blessings she has bestowed or will bestow, but because she is our Country, because we delight to serve her, because like your children she is twined around your hearts, and it is happiness to labor for her welfare; this, *this* is the love which has made, and I trust will make again and again, those grand and heroic men to whom history gives immortality.

Notwithstanding I am fully aware and justly proud of the well-known fealty and loyalty of the People of Maryland to their State and National Governments, it seems to me that it may be profitable, in these days of rebellion and disunion, to recall to your view some general outline of the powers vested in those Governments respectively under which we have so long lived in prosperity and honor.

The General Government as well as the Governments of the States, in their respective spheres, were intended by the Constitution to be immortal. The State of Maryland has no more right—either by her State-Convention or otherwise—to release you from your allegiance to the General Government, than has the General Government to release you from the duties you owe to the State of Maryland. Each has its separate orbit, and the one has no right to interfere with the other. If the State of Maryland should pass an ordinance of secession by a Convention called by her Legislature, or in any other way, and should attempt by such ordinance to interfere with, or supersede the allegiance you owe to the General Government, I say to you, People of Maryland, under all the responsibilities which may attend the declaration, that such an ordinance would be *null and void*. I repeat, such an ordinance would be null and void, because it would be beyond the powers reserved to the States by the Constitution of the Union, and would be a direct interference with the powers granted by that Constitution to the General Government. A Convention of the People of a State is

limited, as to its powers, to the parceling out and providing for the exercise of the powers and rights reserved to the *States*. Over the powers granted to the General Government by the Constitution, a State-Convention has no power whatever. The Constitution of the United States is paramount to the State-Convention. The State-Convention is subject to the Constitution of the United States. The State Legislature is subject, first, to the Constitution of the United States, and secondly, to the Constitution of the State.

I desire to be understood. The Constitution of the United States vests in the General Government, in perpetuity, all the high powers, rights, and functions granted to it, and specially enumerated in that sacred instrument. There can be no change in that Constitution, except by one of the ways pointed out in the fifth article thereof. By that article it is in substance provided, that two-thirds of both Houses of Congress can propose amendments to the Constitution; or, at the application of two-thirds of the Legislatures of the States, it *shall* be the duty of Congress to call a Convention for the purpose of proposing amendments to the Constitution; which amendments, in either case, shall be valid, as parts of the Constitution to all intents and purposes, when ratified by the Legislatures of three-fourths of the States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

The powers of the General Government are such as the Constitution now gives, or may hereafter give to it, by either of the modes of amendment prescribed by the Constitution itself. These powers are sacred to the General Government. The States have parted with them forever. A State-Government, or a State-Convention has no more right to interfere with any of these powers so vested in the General Government, than it has to interfere with the powers of the British Parliament, or of the absolute sovereign of Russia. The Constitution of the United States is paramount to the General Government, as well as to the Governments and Conventions of the States respectively. All Acts of Con-

gress passed in pursuance of its constitutional powers are declared, by the Constitution itself, to be "the supreme law of the land ; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

What, then, are the powers of a State-Convention, duly convened? Such a Convention has absolute control over all the rights and powers reserved to the States ; that is to say, - not granted by the Constitution to the General Government. Such a State-Convention can shape the State-Government in any form it pleases—provided it be republican—as to the apportionment and exercise of the powers so reserved to the States. This has usually been done by forming a State-Constitution. Such a State-Constitution usually provides that certain of the reserved powers shall not be interfered with by the State Legislature ; and vests the other reserved powers in such State-Legislative, Judicial and Executive Departments as the State-Constitution provides. These State-Conventions and Constitutions have no more control over the powers and rights of the General Government, than over the powers and rights of Foreign Nations.

Such, People of Maryland, I believe to be the true and plain statement of the powers and relations of the complicated machinery which constitutes our General and State Governments.

First in order, and *over* and *above all*, is the Constitution of "The United States of America," as it now exists, or as it may hereafter be amended in pursuance of provisions contained within itself.

Second in order, is the Government of "The United States of America," which, to the full extent of the powers conferred upon it by the Constitution, is over and above all State-Legislatures, or State-Conventions, or State Constitutions ; and is subject only, to the full extent of those powers and all laws passed in pursuance thereof, to the Constitution itself as it now is, or as it may hereafter be amended in pursuance of its own provisions.

Third in order are the State-Conventions when lawfully assembled. These State-Conventions have supreme power only over the rights reserved to the States; that is to say, not granted by the Constitution to the General Government. These State-Conventions are clearly subject to the Constitution of the United States, and to all acts of Congress passed pursuant thereto.

Fourth in order are the State-Governments, consisting of their legislative, judicial, and executive departments; all of which are clearly subject, first, to the Constitution of the United States: secondly to the General Government to the full extent of its powers as vested in it by the Constitution; and thirdly, to the Constitutions of the respective States.

If these things be so, should there be a question with any faithful and loyal citizen of the United States, whether he will obey a Convention of his own State acting beyond its powers, or the General Government in the exercise of its constitutional functions? Is not the very statement of the question its argument?

To go a step further. A State cannot leave the Union, even by the consent of the General Government. Congress, or the President and Senate have no power to give such consent. The relations of the General Government to the several States, and of the several States to the General Government are prescribed and fixed by the Constitution. No agreement or consent between a State and the General Government can change these relations. Any such agreement would be in direct violation of the Constitution. That Constitution is paramount to the General Government, as well as to the State-Governments. The separation of a State from the General Government can only be legalized by an amendment to the Constitution, according to one of the ways pointed out in that instrument.

Nor can the separation of a State from the General Government be authorised by a *treaty* between them. No *treaty* can be made between the General Government and a State Government. Ambassadors, by force of the term, are high

agents, appointed by one sovereign power to separate and distinct nationalities. Their agreements are called treaties. Such treaties, by the grants of the Constitution, the United States has power to make with another Government. But that Constitution expressly declares, that "no State shall enter into any treaty, alliance, or confederation." The powers of the General Government of the United States, as also of the Governments of the States, are fixed by the Constitution. The General Government has all the powers granted by that instrument. All powers not thereby granted to the General Government, nor prohibited to the States, are reserved to the States respectively. The General Government and the State-Governments each, within its sphere, is supreme. Out of its sphere each is powerless, and its acts *null and void*.

As correctives of any abuse of these respective powers we have the ballot-box, both State and National, the equality of all the States both great and small in the Senate, popular representation in the House of Representatives and in the Executive, and a life-tenure on the part of the Judiciary, which has full power, in any case brought before it within the range of its jurisdiction, to redress any wrong committed against the humblest citizen.

The General Government has no power to make war on a State. Why is this? It is because by the very nature of *war* the conqueror becomes absolute master of the conquered. He can give the conquered country such laws and government, and dictate to it such terms as he pleases. But the General Government, by the Constitution, is prohibited from interfering with the powers reserved to the States. The General Government can neither take from, nor add to the powers of the States. Nor can she, as against or in favor of a State, take from or add to her own powers. Therefore it is that the General Government cannot make *war* on a State; because, if successful, she would annihilate State-power through the high powers conferred by the laws of war

on the conqueror ; and that would be inconsistent with, and in violation of the Constitution.

Nor can the General Government make war on the people of a State ; because by the laws of war, resistance made by the people of a Country, in defence of its nationality, has ever been held as noble and praiseworthy by generous conquerors ; whereas the levying of war against the United States, by the citizens of a State, is *treason* by the clear provisions of the Constitution. The converse of these propositions is equally true. A State, or the people thereof, cannot make war on the General Government. The rights, the relations, and the obligations of the States to the General Government, and of the General Government to the States, are fixed and settled by the Constitution. They can neither be increased, nor changed, nor varied by war, nor by treaty, nor otherwise, except by an amendment of the Constitution in one of the ways pointed out by it. This Constitution is the true *higher law*. It binds alike the General Government, the several States, and the People thereof ; and cannot be changed, or altered by nullification, secession, or rebellion on the part of a State ; nor by war or treaty between a State and the Government of the Union.

But, People of Maryland, you have never denied, nor your Fathers before you, that the General Government possesses ample powers to enforce obedience to her laws. The very term *Government* implies these powers. They are *innate*, *inherent*, from the *nature of things*. They have been recognised and practiced from the beginning in the better and purer days of the Republic. The General Government has also, *of necessity*, the right and the power to defend her Forts, her Arsenal, her Custom-Houses, and to collect her revenues. These powers are also *inherent*. They too are in the nature of things. The Convention which framed the Constitution, and the People of the States who adopted it, no doubt intended to create, and did create thereby, a Government able to sustain itself.

I do not deem it advisable, however, in the present condition of our Country, to discuss, in detail, the ways and means by which the General Government might, in case of dire extremity, uphold and maintain her authority. I trust that *dire extremity* will never come. The largest statesmanship, the truest love for our whole Country, with a *full share* thereof for the disaffected part; the deepest horror and dread of fratricidal contests, patience, forbearance, conciliation, a willingness to listen to complaints, and a desire and resolution to redress them to the extreme verge of justice and equity; a firm resolve to maintain the Union and the Constitution; with a full knowledge that these will find their surest foundations when, without a strain, like a ship on the water, they rest on the affections of the People; these are some of the qualities of that high and eminent statesmanship which would be necessary for a wise and proper decision of these great questions of power, and prudence, and patriotism, in the event of the failure of all other means to sustain the Government. Long, long may it be before the American Statesman is called upon to decide these high and mighty questions. Should it be otherwise I humbly pray that he may bring to that decision a courage, a wisdom, a discretion, a patience and a patriotism equal to those of Washington himself. I have the greatest confidence that, with a tithe of these high qualities of statesmanship, the present difficulties of our Country can be settled, and our Union saved in all its *brotherhood* and *glory* and *power*.

After our troubles are over, should another Anacharsis visit our Country—as did the first of that name, some twenty-four centuries ago, the States of Greece—for the purpose of carrying back to his native Scythia a knowledge of our institutions, our civilization, our manners, our customs, our commerce, our science, our agriculture and our military power, he should, first of all, study the frame-work of our National and State Governments, and take a clear view of the wondrous working of the Constitution as it holds the great Central Government firm in its place, whilst the State-

Governments revolve around it in their respective orbits without a jostle, controlled by the same mighty power.

He might then be told that, less than four centuries ago, the existence of the American Continent was unknown to the civilizations of Europe and of Asia ; that the race which now owns and controls the vast area of the United States is an offshoot from Europe ; and under colonial forms of Government, in about a century and a half it reached a population of three millions ; that it separated from the parent stem less than a century since, and, under the workings of our General Government, the Nation thus formed has trebled its area, and increased by more than tenfold its population, power, commerce, productions and wealth ; that soon a hundred millions of free and brave sons will repose in plenty and safety under the wings of this Great Central Government.

When this great creation of our Fathers shall have been clearly comprehended, well might the noble Scythian exclaim : I will visit your Niagara : I will float on your great Inland Seas in the wooden palaces I have heard of, and which more than rival the wonders of Eastern story ; I will climb your Mountains, as they divide the water-sheds of your land, stretching from Ocean to Ocean ; I will trace your Rivers as they drain and fertilize your valleys, and afford path-ways for your commerce for thousands and tens of thousands of miles ; I will see with my own eyes your fields white with the bloom of the cotton, or yellow with their golden harvests ; I will travel on your Rail-Roads and Canals ; I will visit your Cities and behold your monuments and your Capitol ; but I shall see nothing, I can see nothing equaling in colossal grandeur the great intellectual creation which gave your General Government the powers of an Empire ; whilst your State-Governments, existing in smaller fragments, bring justice, and law, and government almost to the door of the citizen, and give him at the ballot-box control over their administration. These, People of America, are your true glory. As a friend of humanity, I pray you sustain your Govern-

ment; uphold your Constitution; maintain your allegiance: let Stars be added to your National Flag; let one be struck from it, NEVER! NEVER!

People of Maryland, I have tried to present to you a brief, but I trust a clear and accurate outline of the powers and relations of the National and State-Governments, under which we have lived in prosperity, honor, and freedom for more than seventy years. Of all the States of the Union, Maryland, from her location, has drunk freest and deepest from the great fountains of our National prosperity. The General Government has been to you as a shower of manna for seventy years. You have grown with its growth. Your wives, your children, your liberties and your institutions, have ever found a safe shelter under the wings of its eagle. Truly, "as a hen gathereth her chickens under her wings," so has the National Government sheltered you. The Sons of Maryland have found service and gained honor and glory in the military, as well as in the civil departments of the Government. Your mechanics and artisans have found honest and well-rewarded employment in her noble and costly public work. Your commerce has been protected on every sea. For seventy years you have been cherished by her love, her care, her power as if she were, as in truth she is, your mother. Through her you are owners of a broad domain, stretching from Ocean to Ocean, and from Mexico to the frozen regions of Canada. All this is now your Country, and within its more than imperial limits you and your children and your children's children, may find free and ample homes for ages and ages to come.

If you are asked to abandon this imperial domain and withdraw your allegiance from the General Government, will you do it? Have you any complaints to make of the General Government? Its course has ever been parental. You complain of your Sister States! And will you abandon your allegiance to the General Government, because some of your Northern Sisters have passed laws unfriendly to your Institutions in violation of their constitutional duties, and

which laws are therefore void; or because some of your Southern Sisters have passed ordinances of secession, in violation of the same sacred instrument, and therefore equally void? I trust not; I pray not. Rely upon it the heart of the People of this great Country beats in tune to the music of the Union. If the Congress which is about to close its career shall fail, by a constitutional majority, to propose satisfactory amendments to the Constitution, do not be disheartened. That Congress—and it is with a blush for my Country that I say it—numbers many *politicians*, and but few *statesmen*.

There is another mode of amending the Constitution. Let the Legislatures of the several States call on Congress to summon a Convention. Two-thirds of the State-Legislatures agreeing, Congress is bound to call it. A Convention fresh from the People would agree on amendments satisfactory to the Country. The People of the United States would look to this. They do not mean that this our Government is to be broken up; and will therefore take care that fair concessions are offered by the one side, and accepted by the other. These amendments should be submitted to State-Conventions, and not to the State-Legislatures. The People will see to it that they are accepted by the constitutional majority of the States. Even the seceding States, tired as they will be of their unnatural position, will cast their votes for the amendments when they are assured that these votes will ensure their final adoption. What we need now is patience, forbearance, love of Country. Do not despair of the Republic. Stand firmly by your flag, your Government, your Country in this their hour of danger. If evil betide you, it will come whilst you are in the path of honor and duty. Abandon these, and you will at best become a defenceless member of a dwarfed Confederacy, full of nullification and secession—for of these it will have been born, and it will naturally partake of the qualities of its parents.

For myself, I did not know how much I loved my Country till I saw her in these her greatest perils. She has the

best, the truest, the most loyal affections of my soul. I love her the more for her misfortunes and dangers. I love her better than in my youth. In youth we love so many things as to prevent concentration of the affections. But, as we advance in life, our own future home, where we humbly hope to meet the loved-ones who have gone before us; and the home here, to whose shelter we must commit the loved-ones we leave behind us and the race with which we are connected by the mysterious ties of nature, stand forth in bold relief, and challenge our highest and holiest thoughts. Like the Sibylline books these remaining objects of our love are the more dearly treasured for their diminished number. I am too old to change my allegiance. I could not have done so in the more impulsive days of my youth. Be that as it may, I have loved my country too long, too well, ever to renounce her. Were she to treat me unjustly, yea, even cruelly, I would sooner perish than do aught against her honor, her glory or her power. She would be my Country still. I would trust to her justice. If that justice failed to reach me whilst I live, I would still serve her to the utmost of my power, and trust that it would at last reach my humble name, even in the grave. Come what may in the widest range of human events, I trust my arm, if ever raised against my Country, may fall shattered by my side, and that my tongue may be palsied if it ever attempt to give utterance to a thought, or a wish disloyal to her safety and honor.

Taunt me not with being a submissionist. To lawful authority the loftiest spirit submits most loyally. No man was ever less noble for being submissive to the will and the laws of our Great Father in heaven; or for being obedient, and faithful to the Constitution and laws of his Mother—the Country of his birth and his love. These are high duties, acknowledged alike by Jewish, Grecian, Roman, and Christian patriotism. When Socrates, more than twenty centuries ago, was condemned to death by an unjust and ungrateful Country, his friends arranged for his escape. He refused his proffered liberty and life; and placed that refu-

sal on an obedience to the laws of his country so high and lofty as to challenge, in all ages and countries, the approval of the humblest, as well as of the loftiest minds. "Are you ignorant that your Country is more considerable, and more worthy of respect and veneration before God and man, than your father, mother, and all your relations together? That you ought to honor your Country, yield to it, and humor it, more than an angry father? That you must either reclaim it by your counsel, or obey its injunctions, and suffer without a murmur all that it imposes upon you? If it order you to be" "laid in irons, if it sends you to the wars, there to spend your blood, you ought to do it without demurring. You must not shake off the yoke, or flinch, or quit your post; but in the army, in prison, and everywhere else, ought equally to obey the orders of your Country. For if offering violence to a father or a mother is a piece of grand impiety, to put a force upon one's Country is a much greater." Such is the lesson of patriotism taught by the wisest and noblest son of Greece. For more than twenty centuries it has received the plaudits of the wise, the good, the true and the brave; and I must be pardoned if I refuse to change it for the teachings of the modern school of "nullification, secession, disunion and rebellion."

People of Maryland! I asked you to listen if I spoke to you of LOYALTY, of LOVE OF COUNTRY. I pray your forgiveness if my words have proved false to the impulses of my heart, and have flowed in a strain unequal to the high themes of which I have spoken. Would to God the power were given me to discuss these high questions with an eloquence as lofty as themselves. They do not concern your wealth, or your safety, or your industry: though I believe *these interests* lie in the same direction that your higher and holier duties point out. But whether that be so or not my purpose was to point you to the path of duty, of honor, of loyalty, of love of Country, in the full belief that it will lead you to glory and honor which, to a People, are worth more than all the untold treasures of the golden rocks of California.

The true need of our Country is *more of faithful sons*. People of Maryland, come to her rescue. Lay upon her altars your "lives, your fortunes, your sacred honor." I trust it will not be long before the restored brotherhood and revived patriotism of our people will bring back harmony to our Federal and State-Governments; when the American, offering to his brother—no matter whence they come or where they meet—the right-hand of fellowship, of concession, of kindness, and of peace, will reserve his sword and his courage for the *enemies* of his Country; when we shall once more, as a People, acknowledge the duties of loyalty, of love of Country. This blessed time I think I see in the distance. "The North will give up; the South will not keep back." Even South Carolina will return to her true resting-place in the arms of the Union; ready again to answer, if need be, at the call of a Northern commander, and with a son as brave and true as he who fell on the plains of Mexico, "Lead on; South Carolina will follow you to the death."

When this blessed day shall have arrived, as arrive it surely will, thirty millions of People will shout with one united voice: Thanks, thanks to the Great Father of us all, our Brotherhood is restored, our Country is saved, our People united, our Constitution and Government maintained.

WILLIAM H. COLLINS.

BALTIMORE, *February* 23, 1861.

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